

### **REMARKS**

The above Amendments and these Remarks are in reply to the Office Action mailed 21 July 2008.

Claims 1-26 were pending in the Application prior to the outstanding Office Action. In the Office Action, the Examiner allowed claims 1-18, 25 and 26; rejected claims 19-24. The present Response amends claim 22 and cancels claims 19-21, leaving for the Examiner's present consideration claims 1-18 and 22-26. Reconsideration of the rejections is requested.

#### **I. THE REJECTIONS**

The Examiner rejected claims 19-24 as being either anticipated by, or obvious over, three references: Hashizume, Arai, and Hatanaka. Applicants will address the rejections in claim number sequence.

##### **A. Claims 19-21**

These rejections are believed to be moot as the claims have been canceled.

##### **B. Independent Claim 22**

The Examiner rejected claim 22 over the various references.

Claim 22 called for, among other things, "An optical coupler comprising two optical waveguides ... which are in proximity with one another in at least one region immediately adjacent the MMI waveguide in which region the waveguides are substantially straight".

The art cited by the Examiner shows two optical waveguides which, immediately adjacent an MMI waveguide, bend away from each other. According to the Response to Arguments, the Examiner considers these waveguides to be "substantially straight" because, for an infinitesimal distance, they are.

Applicants have now amended claim 22 to call for the two waveguides to be "substantially straight along distances sufficient to operate as a directional coupler." Applicants believe that this

limitation would distinguish the art in which the two waveguides are substantially straight for only an infinitesimal distance.

The Examiner also pointed out that claim 22 called for the straight portions to be in a "region" immediately adjacent the MMI waveguide, rather than the straight portions themselves being immediately adjacent the MMI waveguide.

Applicants have now amended claim 22 to clarify that the straight portions themselves are to be immediately adjacent the MMI waveguide. Examples of embodiments covered by claim 22 include those shown in Figs. 12(a), 12(b) and 12(c) of Applicants' specification.

As amended, it is believed that the limitations of claim 22 are neither taught nor suggested by any art cited by the Examiner. Accordingly, it is respectfully submitted that claim 22 should be patentable.

#### **C. Dependent Claims 23-24**

Claims 23-24 both depend from independent claim 22 and therefore are believed to be patentable for at least the reasons set forth above with respect to claim 22. In addition, these claims each add their own limitations which, it is submitted, render them patentable in their own right.

Applicants have reviewed the grounds for rejection of these claims as stated by the Examiner and respectfully do not agree with all the positions taken. Nevertheless Applicants do not believe it necessary to discuss their views on these claims further, since claim 22 is believed patentable as set forth above. Applicants respectfully reserve the right to present their further points regarding these claims should it become necessary in the future.

Accordingly, claims 23-24 are believed to be patentable.

## **II. ALLOWABLE SUBJECT MATTER**

The Examiner is thanked for the allowance of claims 1-18, 25 and 26.

### **III. OTHER MATTERS AND CONCLUSION**

In light of the above, it is respectfully submitted that all of the claims now pending in the subject patent application should be allowable, and a Notice of Allowance is requested. The Examiner is respectfully requested to telephone the undersigned if he can assist in any way in expediting issuance of a patent.

The Commissioner is authorized to charge any underpayment or credit any overpayment to Deposit Account No. 50-0869, under Order No. GEML 4671-3US, for any matter in connection with this response, including any fee for extension of time, which may be required.

In view of the above amendment, applicant believes the pending application is in condition for allowance.

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Respectfully submitted,

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